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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,547	01/24/2001	Masaru Kawai	30681-1005	8985
5179	7590	01/14/2004		
PEACOCK MYERS AND ADAMS P C				EXAMINER
P O BOX 26927				HAMLIN, DERRICK G
ALBUQUERQUE, NM 871256927			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/674,547	KAWAI ET AL.
	Examiner	Art Unit
	Derrick G. Hamlin	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 December 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Request for Continued Examination***

The request filed on 12/5/2003 for a Request Continued for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/674,547 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 112***

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear if the applicant is referring to the percent water or percent ethylene glycol. As written it appears to redundantly claim that the water is present between 15-50% by weight of ethylene glycol. It also appears as if the range may apply to both the ethylene and propylene glycol. The applicant may have inserted the new limitation in the wrong place and clarification is required.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over Burns et al. (5085793), is maintained for the reasons set forth in the rejection filed

10/02/2002. The following rejection will be maintained until claim 1 is clarified it reflect the amounts of each component that the applicant wants to claim.

The applicant argues that automobile coolant is added to an engine concentrated and then water is added separately and the running engine mixes the chemicals. The applicant argues that his composition is diluted already and contains 50% deionized water. However, Burns teaches an embodiment that is diluted with 10-90% water (col. 5, lines 5-9) and all the examples in Table I require deionized water.

Additionally, the applicant is not claiming a method of making nor a process for mixing, therefore the final composition in the car would be the claimed composition. Again, the applicant has not furnished a declaration from the inventor or one of ordinary skill in the art, to show demonstrating that the composition in the engine would not be the composition that is instantly claimed.

Burns teaches a corrosion-inhibited antifreeze composition. Specifically, the antifreeze composition comprises a major portion of a liquid alcohol freezing point depressant and a minor portion of at least one hydroxyl-substituted aromatic carboxylic acid having the hydroxyl radical disposed proximate to the carboxylic radical. The above described acid is employed as a corrosion inhibitor. (abstract) The reference also discloses that the freezing point depressant is selected from the group consisting of ethylene glycol, diethylene glycol, propylene glycol, etc. and that the composition may be 80 to about 99 weight percent of a liquid alcohol freezing point depressant and from about 20 to about 1 weight percent of a corrosion inhibitor, said corrosion inhibitor consisting of (a) at least one hydroxyl-substituted aromatic carboxylic acid, and (b)

member selected from the group consisting of alkali metal borates, alkali metal silicates, alkali metal benzoates, alkali metal nitrates, alkali metal nitrites, alkali metal molybdates, hydrocarbyl thiazoles and mixtures thereof, a C8 -C12 aliphatic dibasic acid or the alkali metal, ammonium or amine salt of said acid (col. 5, lines 24-28 and 48-59). The reference teaches several other conventional corrosion inhibitors may be employed in conjunction with the acids which are well known in art, such as alkylbenzoic acid or the alkali metal, ammonium or amine salt thereof; C8 to C12 aliphatic monobasic acid or the alkali metal, ammonium or amine salt thereof and a hydrocarbyl triazole and; alkali metal salt of benzoic acid, an alkali metal salt of a dicarboxylic acid and an alkali metal nitrate; alkali metal carbonates, borax, the alkali metal dichromates, the alkali metal silicates, phosphorus acid, phosphoric acid; an alkali metal tungstate, benzotriazole, tolyltriazole, an alkali metal salt of benzoic or toluic acid, an alkali metal salt of a phenol, an alkanolamine and an organo-silicone compound; and 4-tert-butylbenzoic acid (col. 1, line 31 – col. 2, lines 55).

The reference fails to teach the specific use of cinnamic acids. The reference does not teach which corrosion inhibitors must be included or excluded. The reference also fails to teach the instantly claimed amounts.

Although the reference fails to teach the specific use of cinnamic acids they are encompassed in the general teaching of alkylbenzoic acid. The reference does not teach which corrosion inhibitors must be included or excluded, nor does it require anything more than a one hydroxyl-substituted aromatic carboxylic acid. The reference also fails to teach the instantly claimed amounts for each specific component, however

the reference does teach the minimum and maximum amounts of liquid alcohol freezing point depressant corrosion inhibitor and instantly claimed amounts clearly overlap with the reference.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the instantly claimed prediluted solutions, since the reference teaches a corrosion-inhibited antifreeze composition which may contain a glycol freezing point depressant and a minor portion of at least one hydroxyl-substituted aromatic carboxylic acid and additional corrosion inhibitors.

In view of the forgoing, the above claims have failed to be patently distinguishable over prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (571) 272-1317. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Derrick G. Hamlin

1/11/04



  
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